

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

HECTOR LUIS HERNANDEZ-
FERNANDEZ,

Petitioner,

VS.

TODD M. LYONS, ACTING DIRECTOR OF US ICE; MIGUEL VERGARA, SAN ANTONIO FIELD OFFICE DIRECTOR, US IMMIGRATION AND CUSTOMS ENFORCEMENT; KIKA SCOTT, SENIOR OFFICIAL PERFORMING THE DUTIES OF THE DIRECTOR AT USCIS; UNITED STATES DEPARTMENT OF HOMELAND SECURITY, DHS; AND UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES, USCIS, and WARDEN, SOUTH TEXAS ICE PROCESSING CENTER,¹

Respondents.

ORDER

Before the Court is the 28 U.S.C. § 2241 Petition for Writ of Habeas Corpus filed by Petitioner Hector Luis Hernandez-Fernandez. Petitioner, who is a Cuban asylum seeker and applicant for permanent residency, is currently in detention at the South Texas Detention Facility in Pearsall, Texas, located in the Western District of Texas. He alleges that he entered the United States on July 3, 2022, and is awaiting a decision on his application for asylum from the Executive Office for Immigration Review and for an adjustment of status from U.S. Citizenship

¹ Petitioner did not name the Warden of the facility in which he is confined as a Respondent. The Court hereby **ORDERS** the Warden of the South Texas ICE Processing Center to be added as a Respondent in this matter. The Clerk of Court is directed to modify the style of this case to reflect the Warden of the South Texas ICE Processing Center as a Respondent as set out in the style of this Order.

and Immigration Services (“USCIS”). Petitioner further alleges he was unlawfully detained during an immigration check-in by U.S. Immigration and Customs Enforcement (“ICE”) officers in San Antonio, Texas. The Court has determined that Petitioner’s habeas petition should be served on Respondents and that a response is warranted.

IT IS THEREFORE ORDERED that the District Clerk shall furnish the Office of the United States Attorney in San Antonio, Texas, with copies of the Petition for Writ of Habeas Corpus [#1] and this Order, and that such delivery by certified mail return receipt requested shall constitute sufficient service of process on Respondents Todd M. Lyons, Acting Director of ICE; Miguel Vergara, San Antonio Field Office Director of U.S. Immigration and Customs Enforcement; U.S. Department of Homeland Security; U.S. Citizenship and Immigration Services; and Kika Scott, Senior Official Performing the Duties of the Director of USCIS. *See* Fed. R. Civ. P. 4(i). Service should be directed to Stephanie Rico, the Civil Process Clerk for the United States Attorney’s Office, Western District of Texas, 601 N.W. Loop 410, Suite 600, San Antonio, Texas 78216.

IT IS FURTHER ORDERED that the Clerk of Court shall serve Respondent Warden, South Texas ICE Processing Center, 566 Veterans Drive, Pearsall, Texas 78061, with copies of the Petition for Writ of Habeas Corpus and this Order, and such delivery by certified mail, return receipt requested, will constitute sufficient service of process.

IT IS FURTHER ORDERED that Respondents shall file an answer or other response to the Petition for Writ of Habeas Corpus within **30 days** from the date of service.

IT IS FINALLY ORDERED that Petitioner may file a reply to any answer or response filed by Respondents or a response to any motion filed by Respondents within **30 days** of the date the answer, response, or motion is filed.

IT IS SO ORDERED.

SIGNED this 11th day of July, 2025.



ELIZABETH S. ("BETSY") CHESTNEY
UNITED STATES MAGISTRATE JUDGE